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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,284	06/24/2003	David L. Drew	DREW-001	4427

7590

12/14/2005

DAVID L. DREW  
1927 EAST EILLIS DRIVE  
TEMPE, AZ 85282

EXAMINER
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WILLATT, STEPHANIE L

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/603,284

Applicant(s)

DREW, DAVID L.

Examiner

Stephanie L. Willatt

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>24 June 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Eloranta (US 2,638,593).

Eloranta discloses a shield system comprising a support member (sunshield 10). The support member (sunshield 10) includes a gripping portion (edge 16 and temple shields 14) that is capable of having a user engage with their mouth or teeth. A shield (visor 22) is attachable to the support member (sunshield 10). The support member (sunshield 10) includes a plurality of first slots (slits 34,38) and a plurality of second slots (slits 36,40) that are capable of receiving a lower edge of the shield (visor 22). The lower edge of the shield (visor 22) in production could be what appears to be the upper edge (28) of the shield (visor 22) once it is attached to the support member (sunshield 10). The shield (visor 22) is comprised of a flexible material capable of being manipulated into a roll for insertion into an open end (slit 36) within the support member. (column 2, lines 26-35). The first slots (slits 34,38) are substantially parallel to one another and the second slots (slits 36,40) are substantially parallel to one another. The support member is comprised of a tubular structure (wire 18). When the support

member (sunshield 10) is set down on a surface with the gripping portion (edge 16) facing up, the gripping portion (edge 16) has a raised center section (edge 16) and the two temple shields (14) form two opposing lowered side sections. The raised center section (edge 16) is curved, as discussed in column 2, lines 15-26.

3. Claims 1, 6-11, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schock (US 5,088,485).

Schock discloses a shield system comprising a support member (valve 14). The support member (valve 14) includes a gripping portion that is capable of having a user engage with their mouth or teeth, as shown in Figure 4. A shield (12) is attachable to the support member (valve 14). The support member (valve 14) is comprised of a tubular structure, as shown in Figure 2. The shield (12) is comprised of a flexible material capable of being cut from the support member (valve 14) and manipulated into a roll for insertion into an open end (air passageway 30) within the support member (valve 14). The gripping portion has a raised center section (top of air passageway 30) and two opposing lowered side sections. The raised center section is curved, as shown in Figure 2. The gripping portion is comprised of an opening (air passageway 30) extending into an interior of the support member (valve 14).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Landis et al., Wilson et al., Morlett, Sturm, Danielson, Schauweker, and Cumnock disclose masks.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie L. Willatt whose telephone number is (571) 272-4721. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



slw



**KEVIN SHAVER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**